



## Wyoming Department of Education

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### MEMORANDUM NO. 2009-088

**TO:** School District Superintendents

**FROM:** Carol Illian, Title V-A Program Manager  
Federal Programs *C.I.*

**DATE:** May 27, 2009

**SUBJECT:** Title V-A Program Expires

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#### **IMPORTANT: TITLE V-A EXPIRATION INFORMATION**

The Title V, Part A Federal Program expires on September 30, 2009. Program authorization ends as of that date and Congress did not appropriate any funds for the program for FY 2009. The purpose of this communication is to provide clarity regarding district actions and responsibilities with the expiration of the Title V-A Program.

Districts may no longer use the Transferability Provision found under Title VI, Part A, Subpart 2, Section 6123 (b) that allows the transfer of funds from other NCLB programs within the Consolidated Grant into Title V-A. Funds previously transferred into Title V-A may be used under Title V-A only until September 30, 2009. Districts that cannot comply with the deadline may transfer the funds back into the original program or return the funds to WDE. Title V-A funds that are not obligated by July 31, 2009 will be reallocated by WDE to other districts. Careful compliance by the districts and WDE is imperative to avoiding the return of funds to the U.S. Department of Education.

Districts eligible under the Alternative Uses of Funds Provision of Title VI, Part B, Subpart 1, Section 6211, or REAP, may continue to use the REAP-flex authority to use funds for activities authorized under Title V-A. Those districts using this option must complete the entire Title V-A section of the Consolidated Grant Application; the districts that exercise the option will also be required to complete the End-Of-Year Report for the 2009-2010 school year when completing the 2010-2011 Consolidated Grant Application.

Districts have two options for disposing of materials and equipment purchased with Title V-A funds. In the event that those materials and equipment were purchased for a non-public school, the district and non-public school officials must engage in timely and meaningful consultation to ensure that the non-public school needs are being addressed before a disposal decision is made.

Under the first option, the district may allow materials and equipment to remain in a school (public or non-public) for the benefit of the school's students under a continuing activity authorized by Title V-A (even though the activity will no longer be funded under Title V-A). Under those circumstances, the materials and equipment must be used for the current Title V-A purposes. If there is no continuing Title V-A activity, then the equipment may be used for other activities currently or previously supported by the Federal Government that the district is implementing for the benefit of students. When materials and equipment remain in a school under either of the previously described instances, the district retains the responsibility to keep title to, and maintain administrative control over, the materials and equipment.

Under the second option, districts may dispose of the equipment placed in non-public schools. Under EDGAR (34 CFR §80.32(e)), if the equipment is no longer needed for the current project or another Federal program and its per-unit market value is less than \$5,000, the district may retain, sell, or otherwise dispose of the equipment. If the fair market value is more than \$5,000, a district could sell some or all of the materials or equipment to a non-public school for its fair market value.

If you have questions, please contact me at 307-777-8715 or [cillia@educ.state.wy.us](mailto:cillia@educ.state.wy.us)